

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONVOLVE, INC.

vs.

DELL, INC., ET AL

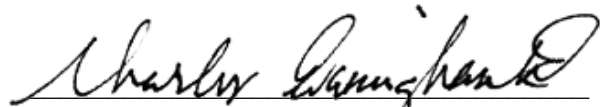
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CASE NO. 2:08-CV-244-CE

ORDER

Pending before the court is defendant Dell, Inc.'s supplemental motion in limine seeking to prevent Plaintiff's damages expert, Mr. McFarlane, from offering testimony regarding the royalty rate reflected in the Altec Lansing license (Dkt. No. 466). The motion is GRANTED-in-PART. Before eliciting testimony from Mr. McFarlane regarding the royalty rate reflected in the Altec Lansing license, Plaintiff must first establish the functionality enabled by the patent-in-suit, as well as the functionality purportedly covered by the Altec Lansing license, and compare their economic importance.

SIGNED this 19th day of July, 2011.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE